

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GREGORY D. LEAGUE,

Defendant-Appellant.

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UNPUBLISHED

July 17, 2003

No. 237168

Wayne Circuit Court

LC No. 01-000879-01

Before: Hoekstra, P.J., and Fitzgerald and White, JJ.

WHITE, J. (*concurring in part and dissenting in part*).

I would remand for a *Ginther*<sup>1</sup> hearing regarding defendant's claim that counsel was ineffective in failing to request an instruction on second-degree child abuse, MCL 750.13b(3), under the circumstance that second-degree child abuse will not support a charge of felony-murder. In all other respects, I concur.

/s/ Helene N. White

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<sup>1</sup> *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973).